

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNIE PHILLIPS,)	
)	2:02-cv-1296-GEB-JFM-P
Plaintiff,)	
)	<u>RULING ON DEFENDANT'S</u>
v.)	<u>IN LIMINE MOTIONS</u>
)	
TED SANCHEZ,)	
)	
Defendant.)	
_____)	

Defendant's in limine motions filed August 8, 2006, are addressed below.

Motion to Exclude Testimony of Inmate Nhia Yang

Defendant moves to exclude the testimony of Inmate Nhia Yang. Whether Inmate Yang has relevant information will be decided at trial. Therefore, this motion is denied.

Motion to Exclude Declarations

Defendant moves to exclude Plaintiff's "propose[d] use [of] the declarations of Inmate T. Weatherspoon and Correctional Officer Donald Jones" (Def.'s Mot. at 3.) Defendant indicates the motion is made because "Defendant anticipates that [P]laintiff will attempt to use these declarations" at trial. (Id.) The motion is denied since this is an issue that can be determined at trial.

1 Motion to Preclude Plaintiff from Offering his Trial Exhibits

2 Defendant seeks to prevent Plaintiff from using "trial
3 exhibits not included in the defense exhibit list," arguing
4 "[P]laintiff has failed to provide a copy of his exhibits [as required
5 by the Supplement to the Pretrial Order]." (Id. at 4.) Defendant
6 does not clearly specify what standard applies to the determination of
7 this motion. Therefore, the motion is denied.

8 Motion to Preclude Mention of the "Furious Folsom Fifty"

9 Defendant moves under Federal Rules of Evidence 401, 402 and
10 403 for an order excluding any evidence on "the fictitious 'Furious
11 Folsom Fifty.'" (Id. at 5.) Defendant has not provided enough
12 information regarding this matter for an in limine ruling; therefore,
13 this motion is denied.

14 IT IS SO ORDERED.

15 Dated: August 10, 2006

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17 /s/ Garland E. Burrell, Jr.
18 GARLAND E. BURRELL, JR.
19 United States District Judge
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